



**PETITION FOR ADOPTION, AMENDMENT, OR REPEAL  
OF A STATE ADMINISTRATIVE RULE (RCW 34.05.330)**

The Office of Financial Management (OFM) has adopted this form for members of the public who wish to petition a state agency to adopt, amend, or repeal an administrative rule (regulation). Full consideration will be given to a petitioner's request.

**A PETITION FOR CONSIDERATION OF RULEMAKING/RULE REVISION TO THE  
WASHINGTON PUBLIC DISCLOSURE COMMISSION**

**Please complete the following:**

PETITIONER'S NAME (PLEASE PRINT) <b>ELAINE D. WILLMAN, for the WASHINGTON STAAR ALLIANCE</b>			TELEPHONE NUMBER (INCLUDE AREA CODE) <b>509-865-6225</b>	
STREET ADDRESS <b>16 SOUTH TOPPENISH AVENUE</b>	PO BOX NUMBER <b>P.O. 1280</b>	CITY <b>TOPPENISH</b>	STATE <b>WA</b>	ZIP CODE <b>98948</b>

AGENCY RESPONSIBLE FOR ADMINISTERING THE RULE

**WASHINGTON PUBLIC DISCLOSURE COMMISSION**

Please submit completed and signed form to the "Rules Coordinator" at the appropriate state agency. The agency will contact you within 60 days.

Check all that apply below and explain on the back of this form with examples. Whenever possible, attach suggested language. You may attach other pages if needed.

☒ **1. NEW: I am requesting that a new WAC be developed.**

I believe a new rule should be developed.

- ☐ The subject of this rule is:  
☐ The rule will affect the following people:  
☐ The need for the rule is:

☒ **2. AMEND: I am requesting a changing to existing WAC 390**

☐ **3. REPEAL: I am requesting existing WAC \_\_\_\_\_ be removed.**

**I believe this rule should be changed or repealed because (check one or more):**

- ☐ It does not do what it was intended to do.  
☐ It imposes unreasonable costs.  
☐ It is applied differently to public and private parties.  
☐ It is not clear.  
☐ It is no longer needed.  
☐ It is not authorized. The agency has no authority to make this rule.  
☐ It conflicts with another federal, state, or local law or rule. Please list number of the conflicting law or rule, if known:  
  
☐ It duplicates another federal, state or local law or rule. Please list number of the duplicate law or rule, if known:  
  
☐ Other (please explain):

PETITIONER'S SIGNATURE

*Elaine D. Willman*

DATE

**May 07, 2004**

May 7, 2004



Earl Tilly, Chair  
Public Disclosure Commission  
711 Capitol Way, #205  
P.O. Box 40908  
Olympia, WA 98504-0908

ATTN: Doug Ellis, Director of Public Outreach

RE Request For New Rulemaking  
Tribal Disclosure of Election and Campaign Contributions

Dear Chairman and Commissioners:

We are in receipt of Mr. Ellis' letter of April 15, 2004 advising that a letter submitted by the Washington STAAR Alliance on April 5, 2004, has been given consideration as a Petition for Rulemaking under RCW 34.05.330. We thank you for this opportunity.

It is our belief that WAC 390 et seq. should be expanded to include more precise definition that addresses the public reporting and disclosure of all monies that impact Washington State elections, regardless of the source, as is the right and duty of the State to preserve and protect the integrity of its elections for its citizens.

We hope that a hearing set before your Commission on May 26, 2004 at 2:00 p.m. will commence a discussion that results in a more specific and comprehensive process for monitoring election finances in the State.

To facilitate an anticipated discussion, I have provided the following attachments, for consideration of future rulemaking and or appropriate legislative processes:

**Exhibit "A" — Page 1 Attached:**

Sample language from California General Code 81000 is provided for its specific purpose language at 81001, and implementing language that follows in 81002 through 81006. This language encompasses clear concerns and policies acknowledging the influence of large campaign contributors, and provides that disclosure is at a minimum, an "equalizer" for citizens less financially capable of participating in the election process.

**Exhibit "B" — Page 6 Attached:**

Sample language from California General Code 84300-84309 (Prohibitions) is provided to illustrate policy that prohibits contributions made directly or indirectly, "by any person in a name other than the name by which such person is identified." Specifically, Sections 84301 through 84303 would cause a needed transparency of election contributions, preventing large contributors from concealing origins of funds.

**Exhibit "C" —Page 12 Attached:**

As a practice exercise only, and to convey the concerns of the Washington STAAR Alliance, I have taken a layperson's liberty and suggested revisions to RCW 42.17, adding two new sections (**RCW 42.17.010(12)** and (**RCW 42.17.094**), and revising language in the following sections:

RCW 42.17.020, at Sections (1), (8), (10), and (30).

RCW 42.17.030

RCW 42.17.050

Should you require any additional information prior to the Hearing set for May 26, 2004, please let me know. I have indicated to Mr. Doug Ellis that I will be out of state, but available to the PDC through electronic mail and cell phone during the period of time from May 8<sup>th</sup> through May 14<sup>th</sup>.

Thank you for the opportunity to commence a dialogue on what we believe is a vitally important matter to Washington State elections, needed public disclosure and concerted efforts to preserve the republic form of the State's government through a truly transparent and democratic election process.

Sincerely,

Washington STAAR Alliance

A handwritten signature in blue ink, reading "Elaine D. Willman", with a long horizontal flourish extending to the right.

Elaine D. Willman,  
Research Coordinator

**GENERAL PROVISIONS**

81000. This title shall be known and may be cited as the "Political Reform Act of 1974."

81001. The people find and declare as follows:

(a) State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth;

(b) Public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them;

(c) Costs of conducting election campaigns have increased greatly in recent years, and candidates have been forced to finance their campaigns by seeking large contributions from lobbyists and organizations who thereby gain disproportionate influence over governmental decisions;

(d) The influence of large campaign contributors is increased because existing laws for disclosure of campaign receipts and expenditures have proved to be inadequate;

(e) Lobbyists often make their contributions to incumbents who cannot be effectively challenged because of election laws and abusive practices which give the incumbent an unfair advantage;

(f) The wealthy individuals and organizations which make large campaign contributions frequently extend their influence by employing lobbyists and spending large amounts to influence legislative and administrative actions;

(g) The influence of large campaign contributors in ballot measure elections is increased because the ballot pamphlet mailed to the voters by the state is difficult to read and almost impossible for a layman to understand; and

(h) Previous laws regulating political practices have suffered from inadequate enforcement by state and local authorities.

81002. The people enact this title to accomplish the following purposes:

(a) Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited.

(b) The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

(c) Assets and income of public officials which may be materially affected by their official actions should be disclosed and in appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided.

(d) The state ballot pamphlet should be converted into a useful document so that voters will not be entirely dependent on paid advertising for information regarding state measures.

(e) Laws and practices unfairly favoring incumbents should be abolished in order that elections may be conducted more fairly.

(f) Adequate enforcement mechanisms should be provided to public officials and private citizens in order that this title will be vigorously enforced.

81003. This title should be liberally construed to accomplish its purposes.

81004. (a) All reports and statements filed under this title shall be signed under penalty of perjury and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his knowledge it is true and complete.

(b) A report or statement filed by a committee which qualifies under subdivision (a) of Section 82013 shall be signed and verified by the treasurer, and a report or statement filed by any other person shall be signed and verified by the filer. If the filer is an entity other than an individual, the report or statement shall be signed and verified by a responsible officer of the entity or by an attorney or a certified public accountant acting as agent for the entity. Every person who signs and verifies any report or statement required to be filed under this title which contains material matter which he knows to be false is guilty of perjury.

81004.5. Any report or statement filed pursuant to this title may be amended by the filer at any time. Amending an incorrect or incomplete report or statement may be considered as evidence of good faith.

81006. Except as provided in this title, no fee or charge shall be collected by any officer for the filing of any report or statement or for the forms upon which reports or statements are to be prepared.

81007. When a report or statement or copies thereof required to be filed with any officer under this title have been sent by first-class mail or by any other guaranteed overnight delivery service addressed to the officer, it shall for purposes of any deadline be deemed to have been received by him or her on the date of the deposit in the mail or of receipt by that delivery service. It shall be presumed until the contrary is established that any date stamped by the post office on the envelope or contained on the delivery service receipt containing the report or statement is the date it was deposited in the mail or received by the delivery service. Mail which is not received by the filing officer shall be presumed not to have been sent unless the filer possesses a post office or delivery service receipt establishing the date of deposit and the name and address of the addressee.

81007.5. (a) Any report or statement or copies thereof required to be filed with any official under Chapter 4 (commencing with Section 84100) or Chapter 7 (commencing with Section 87100) may be faxed by the applicable deadline, provided that the required originals or paper copies are sent by first-class mail or by any other personal delivery or guaranteed overnight delivery service within 24 hours of

the applicable deadline and provided that the total number of pages of each report or statement faxed is no more than 30 pages.

(b) A faxed report or statement shall not be deemed filed if the faxed report or statement is not a true and correct copy of the original or copy of the report or statement personally delivered or sent by first-class mail or guaranteed overnight delivery service pursuant to subdivision (a).

(c) A filing officer who receives a faxed report or statement shall make the report or statement available to the public in the same manner as provided in Section 81008. If the faxed report or statement is requested prior to the receipt of the original or copy of the report or statement by the filing officer, the filing officer shall inform the requester that the faxed report or statement will not be considered a filed report or statement if the requirements of subdivision (b) have not been met by the filer.

81008. (a) Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding an election held on the first Tuesday after the first Monday in June or November in even-numbered years in the offices of Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County and Registrar of Voters of the City and County of San Francisco.

81009. (a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

(b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.

(c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.

(d) Original statements of economic interests of persons holding

statewide elective office shall be retained by filing officers indefinitely.

(e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.

(f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.

(g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy. Upon request, the officer shall provide copies of such statements pursuant to Section 81008.

81009.5. (a) Any local government agency which has enacted, enacts, amends, or repeals an ordinance or other provision of law affecting campaign contributions and expenditures shall file a copy of the action with the commission.

(b) Notwithstanding Section 81013, no local government agency shall enact any ordinance imposing filing requirements additional to or different from those set forth in Chapter 4 (commencing with Section 84100) for elections held in its jurisdiction unless the additional or different filing requirements apply only to the candidates seeking election in that jurisdiction, their controlled committees or committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or oppose a candidate or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in that jurisdiction, and to city or county general purpose committees active only in that city or county, respectively.

81010. With respect to reports and statements filed with him pursuant to this title, the filing officer shall:

(a) Supply the necessary forms and manuals prescribed by the Commission;

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of this title;

(c) Notify promptly all persons and known committees who have failed to file a report or statement in the form and at the time required by this title;

(d) Report apparent violations of this title to the appropriate agencies; and

(e) Compile and maintain a current list of all reports and statements filed with this office.

81011.5. Any provision of law to the contrary notwithstanding, the election precinct of a person signing a statewide petition shall not be required to appear on the petition when it is filed with the county elections official, nor any additional information regarding a signer other than the information required to be written by the signer.

81012. This title may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this title.

(a) This title may be amended to further its purposes by statute, passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to passage in each house the bill in its final form has been delivered to the commission for distribution to the news media and to every person who has requested the commission to send copies of such bills to him or her.

(b) This title may be amended or repealed by a statute that becomes effective only when approved by the electors.

81013. Nothing in this title prevents the Legislature or any other state or local agency from imposing additional requirements on any person if the requirements do not prevent the person from complying with this title. If any act of the Legislature conflicts with the provisions of this title, this title shall prevail.

81014. Whenever any reference is made in this title to a federal or state statute and that statute has been or is subsequently repealed or amended, the Commission may promulgate regulations to carry out the intent of this title as nearly as possible.

81015. If any provision of this title, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this title to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this title are severable.

81016. Chapter 8 of this title shall go into effect immediately. The Director of Finance shall make sufficient funds available to the Secretary of State out of the emergency fund or any other fund of the state for the immediate implementation of Chapter 8. The remainder of this title shall go into effect on January 7, 1975. Wherever reference is made in this title to the effective date of this title, the date referred to is January 7, 1975.

#### **ENFORCEMENT:**

83123. The commission shall establish a division of local enforcement to administer, interpret, and enforce, in accordance with the findings, declarations, purposes, and provisions of this title, those provisions relating to local government agencies as defined in Section 82041.



**PROHIBITIONS**

84300. (a) No contribution of one hundred dollars (\$100) or more shall be made or received in cash.

A cash contribution shall not be deemed received if it is not negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported. If a cash contribution, other than a late contribution, as defined in Section 82036, is negotiated or deposited, it shall not be deemed received if it is refunded within 72 hours of receipt. In the case of a late contribution, as defined in Section 82036, it shall not be deemed received if it is returned to the contributor within 48 hours of receipt.

(b) No expenditure of one hundred dollars (\$100) or more shall be made in cash.

(c) No contribution of one hundred dollars (\$100) or more other than an in-kind contribution shall be made unless in the form of a written instrument containing the name of the donor and the name of the payee and drawn from the account of the donor or the intermediary, as defined in Section 84302.

(d) The value of all in-kind contributions of one hundred dollars (\$100) or more shall be reported in writing to the recipient upon the request in writing of the recipient.

84301. No contribution shall be made, directly or indirectly, by any person in a name other than the name by which such person is identified for legal purposes.

84302. No person shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the contribution both his own full name and street address, occupation, and the name of his employer, if any, or his principal place of business if he is self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other person. The recipient of the contribution shall include in his campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

84303. No expenditure of five hundred dollars (\$500) or more shall be made, other than overhead or normal operating expenses, by an agent or independent contractor, including, but not limited to, an advertising agency, on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee as if the expenditure were made directly by the candidate or committee. The agent or independent contractor shall make known to the candidate or committee all information required to be reported by this section.

84304. No person shall make an anonymous contribution or contributions to a candidate, committee or any other person totaling one hundred dollars (\$100) or more in a calendar year. An anonymous contribution of one hundred dollars (\$100) or more shall not be kept by the intended recipient but instead shall be promptly paid to the Secretary of State for deposit in the General Fund of the state.

84305. (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

84305.5. (a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no less than 8-point roman type which shall be in a color or print which contrasts with the background so as to be easily legible.

A post office box may be stated in lieu of a street address if the street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The notice shall consist of the following statement:

NOTICE TO VOTERS	
THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed in this mailer.	

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by \$\$\$\$. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by \$\$\$\$. The \$\$\$\$ required by this subdivision shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \$\$\$\$ designation applies except that in no case shall the \$\$\$\$ be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) For purposes of the designations required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \$\$\$\$ designation. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

84305.6. In addition to the requirements of Section 84305.5, a slate mailer organization or committee primarily formed to support or oppose one or more ballot measures may not send a slate mailer unless any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or oppose by the political party that the mailer appears by representation or indicia to represent is accompanied, immediately below the ballot measure or candidate recommendation in the slate mailer, in no less than nine-point roman boldface type in a color or print that contrasts with the background so as to be easily legible, the following notice:

"THIS IS NOT THE OFFICIAL POSITION OF THE (political party that the mailer appears by representation or indicia to represent) PARTY."

84306. All contributions received by a person acting as an agent of a candidate shall be reported promptly to the candidate or any of

his or her designated agents. All contributions received by a person acting as an agent of a committee shall be reported promptly to the committee's treasurer or any of his or her designated agents. "Promptly" as used in this section means not later than the closing date of any campaign statement the committee or candidate for whom the contribution is intended is required to file.

84307. No contribution shall be commingled with the personal funds of the recipient or any other person.

84308. (a) The definitions set forth in this subdivision shall govern the interpretation of this section.

(1) "Party" means any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use.

(2) "Participant" means any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision, as described in Article 1 (commencing with Section 87100) of Chapter 7. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency.

(3) "Agency" means an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency.

(4) "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency.

(5) "License, permit, or other entitlement for use" means all business, professional, trade and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(b) No officer of an agency shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself or herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a

license, permit or other entitlement for use pending before an agency, each officer of the agency who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer of an agency shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the agency if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant has a financial interest in the decision, as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before an agency involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before any agency and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer of that agency during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before an agency, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

84309. (a) No person shall receive or personally deliver or attempt to deliver a contribution in the State Capitol, in any state office building, or in any office for which the state pays the majority of the rent other than a legislative district office.

(b) For purposes of this section:

(1) "Personally deliver" means delivery of a contribution in person or causing a contribution to be delivered in person by an agent or intermediary.

(2) "Receive" includes the receipt of a campaign contribution delivered in person.

**GOVERNMENT CODE SECTION 84400**  
**(State of California)**

**EXEMPTIONS**

84400. Notwithstanding any other provision of the law, the commission shall have no power to exempt any person, including any candidate or committee, from any of the requirements imposed by the provisions of this chapter.

## PREFACE:

In addition to the Guarantee Clause of the Constitution which provides state authority and duty to ensure a republic form of government, there is the following recent language penned in June 2001:

### Justice Anthony Scalia:

" Our cases make clear that the Indians' right to make their own laws and be governed by them does not exclude all state regulatory authority on the reservation. **State sovereignty does not end at a reservation's border.** Though tribes are often referred to as "sovereign" entities, it was "long ago" that "the Court departed from Chief Justice Marshall's view that 'the laws of [a State] can have no force' within reservation boundaries. Worcester v. Georgia, 6 Pet. 515, 561 (1832)," White Mountain Apache Tribe v. Bracker, [448 U. S. 136, 141](#) (1980).<sup>4</sup> "Ordinarily," it is now clear, **"an Indian reservation is considered part of the territory of the State."** U. S. Dept. of Interior, Federal Indian Law 510, and n. 1 (1958), citing Utah & Northern R. Co. v. Fisher, [116 U. S. 28](#) (1885); see also Organized Village of Kake v. Egan, [369 U. S. 60, 72](#) (1962). **Nevada v. Hicks, 533 U.S. at 361.**

## PROPOSED REVISIONS:

**RCW 42.17 - Disclosure, Campaign Finances, Lobbying and Records.**

**RCW 42.17.010 Declaration of policy.**

**Recommended revision to this section, with an additional section to follow 42.17.010 (11):**

**"(12) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates, includes full disclosure of the financial participation in Washington state elections by out-of-state entities, as well as Indian tribal governments, tribal for-profit or nonprofit enterprises, or tribal political commissions, and that the public's right to know far outweighs any right that these matters remain secret and private."**

**RCW 42.17.020 Definitions.**

(1) **"Agency"** includes all state, ~~agencies and all~~ local, **and Indian tribal** agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. **Indian tribal agency includes all tribal governments, tribal for-profit, nonprofit enterprises, or any tribal office, department, division, bureau, board, commission, or agency thereof, or any political associations.** "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(8) **"Candidate"** means any individual who seeks nomination for election or election to public office, **including enrolled members of Indian tribes.**.. An individual seeks nomination or election when he or she first:

(10) **"Commercial advertiser"** means any person, **including an enrolled member of an Indian tribe**, who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(30) **"Person"** includes an individual, partnership, joint venture, public or private corporation, association, federal, state, **Indian tribal government or any tribal office, department, division, bureau, board, commission, or agency thereof**, or other local public agency local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

**RCW 42.17.030 Applicability -- Exceptions.**

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand **hundred** registered voters as of the date of the most recent general election in the subdivision, unless required by RCW [42.17.405](#)(2) through (5).

**(NOTE: See Comment at end of 14.17.405 below).**

**PROPOSED NEW RULE - NOTE:** Immediately following: RCW 42.17.093 Out-of-state political committees -- Reports, a NEW section of RCW 42.17 is suggested as follows, to be numbered as .094, which currently is a vacant number within this statute:

**RCW 42.17.094 Indian tribal governments and political committees -- Reports**

(1) An Indian tribal government or political committee located in this or any other state, and organized for the purpose of supporting or opposing candidates or ballot propositions of applicable Washington state elections, that is not otherwise required to report under RCW 42.17.040 through 42.17.090 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;
  - (b) The purposes of the out-of-state committee;
  - (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;
  - (d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the in-state or out-of-state Indian tribal government, tribal for-profit or nonprofit enterprise, or political organization is supporting or opposing and, if such committee is supporting or opposing the entire ticket of any party, the name of the party;
  - (e) The ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition;
  - (f) The name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the tribal enterprise or political committee during the current calendar year, together with the money value and date of such contributions;
  - (g) The name and address of each person in the state of Washington to whom an expenditure was made by the tribal government or political organization with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; and
  - (h) Such other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.
- (2) Each statement shall be filed no later than the twentieth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An Indian tribal government, enterprise, political organization or committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.
- (3) A political committee required to file campaign reports with the federal election commission or its successor is exempt from reporting under this section.

**RCW 42.17.405 Suspension, reapplication of reporting requirements in small political subdivisions.**

(1) Except as provided in subsections (2) and (3) of this section, the reporting provisions of this chapter do not apply to candidates, elected officials, and agencies in political subdivisions with less than ~~one thousand~~ **five hundred** registered voters as of the date of the most recent general election in the jurisdiction, to political committees formed to support or oppose candidates or ballot propositions in such political subdivisions, or to persons making independent expenditures in support of or opposition to such ballot propositions.

*Comment: Elected officials of small communities like La Center, WA, or Snoqualmie Falls, WA that are located near premiere interstate freeway exits, are prime targets for persuasion when tribes are trying to locate casinos off-reservation and in high tourist-exit areas. La Center just recently went over the 1,000 registered voters category. There are smaller communities located along I-5 and I-90 with potential candidates that could be vulnerable to inordinate and undisclosed tribal campaign contributions, should they be exempt from disclosure.*